

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Revenue Department – A.C.B Trap Case against Sri N.Krishnaiah, Formerly M.R.O., Bethamcherla, Kurnool District – Convicted in the Trial Court - Dismissed from service – Acquitted in the High Court – Dropping further action –Orders issued – Reg.

REVENUE (VIG.VI) DEPARTMENT

G.O.Ms.No.526.

Dated: 17.08.2012.

Read the following:-

1. Proceedings No.A5/4788/93, dated: 06.08.1993 of the Dist .Collector, Kurnool.
2. Govt. Memo.No.64542/Ser.III/2/93-15, Revenue Dept., dated: 20.09.1996.
3. Orders of Addl. Special Judge for SPE and ACB cases in C.C.No.16/1995, dated: 14.02.2005.
4. From the D.G., A.C.B., Hyd., Lr.No.77/RCT/KUR/93, dated: 25.03.2005.
5. G.O.Ms.No.1311, Revenue (Vig.VI) Dept., dated: 05.07.2005.
6. Judgment of the High Court of A.P., Hyderabad, dated: 03.02.2012 in Cr.Appeal.No.217/2005, dated: 03.02.2012.
7. Representation from Sri N.Krishnaiah, formerly MRO, Bethamcherla, Kurnool Dist., dated: 22.02.2012.

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ORDER:

Where as, it was brought to the notice of the Government that Sri N.Krishnaiah, while working Mandal Revenue Officer, Bethamcherla, Kurnool District, was trapped by the Anti Corruption Bureau officials on 03.08.1993 when he demanded and accepted an amount of Rs.1600/- as bribe. Consequently he was placed under suspension on 03.08.1993 by the District Collector, Kurnool in the reference 1st read above.

2. Where as, the Anti Corruption Bureau authorities registered a case in Crime No.4/ACB-KUR/93 under Section 7 & 13(1)(d) read with 13(2) of Prevention of Corruption Act, 1988 and filed a Charge Sheet in C.C.No.16/1995 against Sri N.Krishnaiah, former Mandal Revenue Officer, Bethamcherla, Kurnool District, before the Additional Special Judge for SPE & ACB cases, Hyderabad. Further he was reinstated into service on 10.10.1996 by the Government in the reference 2nd read above, after the charge sheet was filed in this case.
3. Where as, the Court of the Additional Special Judge for SPE & ACB Cases at Hyderabad pronounced the judgment dated 14.2.2005 in C.C.No.16/1995 in the reference 3rd read above convicting the Accused Officer Sri N.Krishnaiah, former Mandal Revenue Officer, Bethamcherla, Kurnool District, and sentencing him to undergo imprisonment for two years for the charge under Section 7 of the P.C. Act and also to pay a fine of Rs.1000/- and in default to undergo Simple Imprisonment for three months. Further the Accused Officer was sentenced to undergo Rigorous imprisonment for two years and to pay a fine of Rs.1000/- for the offence under Section 13(1) (d) read with 13(2) of P.C. Act, 1988 and in default of payment of fine, to suffer three months simple imprisonment. Both the sentences were ordered to run concurrently.
3. Where as, the Director General, Anti Corruption Bureau, A.P., Hyderabad in the reference 4th read above has informed that aggrieved by the above judgment Sri N.Krishnaiah, former Mandal Revenue Officer, Bethamcherla, Kurnool District, filed Criminal Appeal No.217/2005 in the Hon'ble High Court. The Hon'ble High Court in its order dated 02.03.2005 in Cr.M.P.No.298/05 in Cr.Appeal.No.217/05 suspended the sentence of imprisonment alone pending adjudication on the conviction and requested to take necessary further action in the matter.
4. Government had examined the entire issue and after following due procedure and imposed a punishment of dismissal from service against Sri N.Krishnaiah, former Mandal Revenue Officer, Bethamcherla, Kurnool District in the reference 5th read above, on the ground of conduct which led to his conviction on a criminal charge, by invoking clause (1) of Rule 25 of the Andhra Pradesh Civil Services (CCA) Rules, 1991.

5. Where as, in the reference 6th read above, the Hon'ble High Court has passed orders on 03.02.2012 and allowed the Cr.Appeal No.217/2005 filed by Sri N.Krishnaiah, former Mandal Revenue Officer, Bethamcherla, Kurnool District, and set aside the judgment of conviction and sentence, dated 14.02.2005 in C.C.No.16/1995 passed by the Additional Special Judge for SPE & ACB Cases, Hyderabad.

6. On receipt of the orders of the Hon'ble High Court, dated 03.02.2012, Sri N.Krishnaiah, former Mandal Revenue Officer, Bethamcherla, Kurnool District, has filed a representation before the Government in the reference 7th read above and requested the Government to drop further action against him.

7. Government have examined the issue and observed that the period from 06.08.1993 to 10.10.1996 is the suspension period, whereas the period from 05.07.2005 to 31.05.2012 is the dismissal period of the Accused Officer as the actual retirement date is 31.05.2012 Government also observed that the Andhra Pradesh High Court had allowed the Criminal Appeal filed by the Accused Officer and set aside the judgment of the Trial Court. Government has, therefore, decided that the order of dismissal issued in pursuance of the conviction be modified and the period of dismissal be considered as "Deemed Suspension".

8. Government, after careful examination of the matter, hereby modify the orders of "Dismissal from service" to that of "Deemed Suspension" and hence consider the dismissal period of the Accused Officer from 05.07.2005 to 31.05.2012 as the period spent under deemed suspension. Further, as the Accused Officer was involved in a grave incident of bribery, his suspension cannot be treated as "wholly unjustified" and hence Government hereby order that the "Suspension Period" of the Accused Officer from 06.08.1993 to 10.10.1996 and subsequent "Deemed Suspension Period" from 05.07.2005 to 31.05.2012 be treated as "Not on Duty". Further, during the said period the Accused Officer would be entitled to subsistence allowance only, and will also be entitled for notional increments, leave, qualifying service for promotion etc.

9. The Chief Commissioner of Land Administration, A.P., Hyderabad, shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Individual. (**through District Collector, Kurnool**)

Copy to:

- 1) The District Collector, Kurnool District.
- 2) The Chief Commissioner of Land Administration,
A.P., Hyderabad.
- 3) The Director General,
Anti-Corruption Bureau, A.P., Hyderabad.
- 4) The Accountant General, A.P., Hyderabad.
- 5) The Secretary,
Andhra Pradesh Vigilance Commission, A.P. Hyderabad.
- 6) District Treasury Officer, Kurnool.
- 7) SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER